

Department of Justice

§ 60.2

PART 60—AUTHORIZATION OF FEDERAL LAW ENFORCEMENT OFFICERS TO REQUEST THE ISSUANCE OF A SEARCH WARRANT

Sec.

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AUTHORITY: Rule 41(h), Fed. R. Crim. P (18 U.S.C. appendix).

§ 60.1 Purpose.

This regulation authorizes certain categories of federal law enforcement officers to request the issuance of search warrants under Rule 41, Fed. R. Crim. P., and lists the agencies whose officers are so authorized. Rule 41(a) provides in part that a search warrant may be issued “upon the request of a federal law enforcement officer,” and defines that term in Rule 41(h) as “any government agent, * * * who is engaged in the enforcement of the criminal laws and is within the category of officers authorized by the Attorney General to request the issuance of a search warrant.” The publication of the categories and the listing of the agencies is intended to inform the courts of the personnel who are so authorized. It should be noted that only in the very rare and emergent case is the law enforcement officer permitted to seek a search warrant without the concurrence of the appropriate U.S. Attorney’s office. Further, in all instances, military agents of the Department of Defense must obtain the concurrence of the appropriate U.S. Attorney’s Office before seeking a search warrant.

[Order No. 826-79, 44 FR 21785, Apr. 12, 1979, as amended by Order No. 1026-83, 48 FR 37377, Aug. 18, 1983]

§ 60.2 Authorized categories.

The following categories of federal law enforcement officers are authorized to request the issuance of a search warrant:

(a) Any person authorized to execute search warrants by a statute of the United States.

(b) Any person who has been authorized to execute search warrants by the head of a department, bureau, or agen-

cy (or his delegate, if applicable) pursuant to any statute of the United States.

(c) Any peace officer or customs officer of the Virgin Islands, Guam, or the Canal Zone.

(d) Any officer of the Metropolitan Police Department, District of Columbia.

(e) Any person authorized to execute search warrants by the President of the United States.

(f) Any civilian agent of the Department of Defense not subject to military direction who is authorized by statute or other appropriate authority to enforce the criminal laws of the United States.

(g) Any civilian agent of the Department of Defense who is authorized to enforce the Uniform Code of Military Justice.

(h) Any military agent of the Department of Defense who is authorized to enforce the Uniform Code of Military Justice.

(i) Any special agent of the Office of Inspector General, Department of Transportation.

(j) Any special agent of the Investigations Division of the Office of Inspector General, Small Business Administration.

(k) Any special agent of the Office of Investigations and the Office of Labor Racketeering of the Office of Inspector General, Department of Labor.

(l) Any special agent of the Office of Investigations of the Office of Inspector General, General Services Administration.

(m) Any special agent of the Office of Inspector General, Department of Housing and Urban Development.

(n) Any special agent of the Office of Inspector General, Department of Interior.

(o) Any special agent of the Office of Inspector General, Veterans Administration.

(p) Any special agent of the Office of Inspector General, Social Security Administration.

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(q) Any special agent of the Office of Inspector General, Department of Health and Human Services.

[Order No. 826–79, 44 FR 21785, Apr. 12, 1979, as amended by Order No. 1026–83, 48 FR 37377, Aug. 18, 1983; Order No. 1143–86, 51 FR 26878, July 28, 1986; Order No. 1188–87, 52 FR 19138, May 21, 1987; Order No. 1327–89, 54 FR 9431, Mar. 7, 1989; Order No. 2000–95, 60 FR 62734, Dec. 7, 1995]

§ 60.3 Agencies with authorized personnel.

The following agencies have law enforcement officers within the categories listed in § 60.2 of this part:

(a) *National Law Enforcement Agencies:*

- (1) Department of Agriculture:
National Forest Service
Office of the Inspector General
- (2) Department of Defense:
Defense Investigative Service Criminal Investigation Command, U.S. Army
Naval Investigative Service, U.S. Navy
Office of Assistant Inspector General for Investigations, Office of Defense Inspector General
Office of Special Investigation, U.S. Air Force
- (3) Department of Health and Human Services:
Center for Disease Control
Food and Drug Administration
Office of Investigations, Office of the Inspector General
- (4) Department of the Interior:
Bureau of Indian Affairs
Bureau of Sport Fisheries and Wildlife
National Park Service
- (5) Department of Justice:
Drug Enforcement Administration
Federal Bureau of Investigation
Immigration and Naturalization Service
U.S. Marshals Service
- (6) Department of Transportation:
U.S. Coast Guard
Office of Inspector General, Department of Transportation
- (7) Department of the Treasury:
Bureau of Alcohol, Tobacco, and Firearms
Executive Protective Service
Internal Revenue Service
Criminal Investigation Division
Internal Security Division, Inspection Service

- U.S. Customs Service
U.S. Secret Service
- (8) U.S. Postal Service:
Inspection Service
Office of Inspector General
- (9) Department of Commerce: Office of Export Enforcement
- (10) Small Business Administration: Investigations Division of the Office of Inspector General
- (11) Department of State: Diplomatic Security Service
- (12) Department of Labor: Office of Investigations and Office of Labor Racketeering of the Office of Inspector General
- (13) General Services Administration: Office of Inspector General
- (14) Department of Housing and Urban Development: Office of Inspector General
- (15) Department of the Interior: Office of Inspector General
- (16) Veterans Administration: Office of Inspector General
- (17) Environmental Protection Agency: Office of Criminal Investigations
- (18) Social Security Administration, Office of Inspector General
- (b) *Local Law Enforcement Agencies:*
 - (1) District of Columbia Metropolitan Police Department
 - (2) Law Enforcement Forces and Customs Agencies of Guam, The Virgin Islands, and the Canal Zone.

[Order No. 826–79, 44 FR 21785, Apr. 12, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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